

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY MCGEE  
Plaintiff,

v.

ROB BONTA, and many others,  
Defendants.

Case No. 23-cv-2831-NC

**ORDER TO PLAINTIFF  
MCGEE TO SHOW CAUSE AS  
TO WHY HIS FILINGS  
SHOULD NOT BE UNSEALED**

Re: ECF 8, 9

On July 18, 2023, self-represented Plaintiff Anthony McGee filed two submissions with this court asking that they be filed ex parte and under seal. Specifically, McGee filed an amended complaint at ECF 8 and a letter at ECF 9.

This court is a public court and filings are presumptively accessible to the other parties to the case and to the public. Northern District of California Civil Local Rule 79-5 sets forth the procedural requirements for seeking to file materials under seal. Those rules are repeated here in part, with emphasis added in bold italics for McGee's attention:

(a) **Right of Access.** The public has a right of access to the Court's files. This local rule applies in all instances where a party seeks to conceal information from the public by filing a document, or portions of a document, under seal. A party must explore all reasonable alternatives to filing documents under seal, minimize the number of documents filed under seal, and ***avoid wherever possible sealing entire documents*** (as opposed to merely redacting the truly sensitive information in a document).

(b) **Necessity of Filing a Motion to Seal.** A party must file a motion to seal a document ***at the same time that the party submits the document***. Filing a motion to seal permits the party to provisionally file the document under seal, pending the Court's ruling on the motion to seal. A party need not file a motion to seal if a federal statute or a prior court order in the same case expressly authorizes the party to file certain documents (or portions of documents) under seal.

(c) **Contents of Motion to Seal.** Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable. A motion to seal a party's own document (as opposed to a document designated as confidential by another party, as discussed in subsection (f)) must be filed as an *Administrative Motion to File Under Seal in conformance with Civil L.R. 7-11*. This requirement applies even if the motion is joined by the opposing party. *The motion must include the following:*

1. *(1) a specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of:*
  1. *(i) the legitimate private or public interests that warrant sealing;*
  2. *(ii) the injury that will result if sealing is denied; and*
  3. *(iii) why a less restrictive alternative to sealing is not sufficient;*
2. *(2) evidentiary support from declarations where necessary; and*
3. *(3) a proposed order that is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that is sought to be sealed.*

Here, McGee did not file a motion to file under seal as required by Local Rule 79-5 and he has not established a basis to seal either his letter or amended complaint. Indeed, it is extremely rare for a court to seal a complaint because the complaint puts the defendants and public on notice of the legal charge asserted by the plaintiff.

The court grants McGee until September 8, 2023, to file a motion, declaration, and proposed order in support of sealing. The court cautions McGee, however, that there is a presumption of public access and it is his burden to show a basis for sealing. A personal preference is not sufficient. If McGee does not properly support his sealing request by September 8, the court intends to unseal both ECF 8 and 9. And future filings will not be filed under seal unless they are accompanied by a proper sealing motion.

**IT IS SO ORDERED.**

Dated: August 21, 2023

  
 NATHANAEL M. COUSINS  
 United States Magistrate Judge